

Former Spouses Remarriage Benefits Bar
Issues

Variables Involved:

CIA Retirement Systems Involved: CSRDS, CIARDS, FERS

CIA Former Spouses Involved: Pre'82 and Post'82

Benefits: Retirement Annuity, Survivor's Annuity,
Health benefits

Age of Remarriage: Fifty v. Fifty-Five

Effective Date of Benefit Restoration: Effective Date
of Legislation; Date of Remarriage (pre or post legislation);

Arguments:

1) Money: For Pre-'82 Former Spouses who have no automatic entitlement to such benefits, it would deplete fund pool available to CIARDS; how would retroactive computation be paid for - out of Fund or annuitant's pocket

2) Fairness: Proposal would remove bar for former spouses but not for widows. It is not fair to put remarried former spouses who by definition had some choice in their situation, in a better position than widows who had no choice.

3) Federal Policy Reflected in All Retirement Systems:
federal retirement system law uniformly bars benefits to remarried former spouses and widows. Examples:

former spouses of civil service annuitants are disqualified from health insurance benefits by remarriage before age 55 - 5 U.S.C. §8901 (10) (a)

former spouses of civil service annuitants are disqualified from survivor's annuity by remarriage before age 55 - 5 U.S.C. §8341 (h) (3) (B) (i)

widows of civil service annuitants are disqualified from survivor's annuity by remarriage before age 55 - 5 U.S.C. §8341 (b) (3) (B)

former spouses of FERS annuitants are disqualified from survivor's annuity by remarriage before age 55 - 5 U.S.C. §8445 (c) (2)

widows of FERS annuitants are disqualified from survivor's annuity by remarriage before age 55 - 5 U.S.C. §8442 (d) (1) (b)